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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,028	10/29/1999	CLAIRE BESSET-BATHIAS	Q56456	5444

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EXAMINER
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SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/429,028

Applicant(s)

BESSET-BATHIAS, CLAIRE

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8-11, 14, 20-24, rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen (U.S. Patent No. 5,802,051) in view of Subbiah (U.S. Patent No. 6,538,992).

Referring to claims 1, 11, 14, 22, and 23, Petersen discloses in column 3-6 of multiplexing of a plurality of low bit rate connections into a same ATM connection by simultaneously multiplexes more than one user data packet on a single minicell connection as a function of transmission priority by employing a predefined transmission priority assignment schedule and by providing a modified user data packet segmentation process). Petersen discloses a method of improving the utilization of available bandwidth when ATM is used in conjunction with a low bit rate data application. Petersen teaches of scheduling but explicitly fails teach of scheduling ATM cell transmission times in a way as to keep ATM cell spacing as constant as possible. Subbiah teaches of a method of scheduling ATM cell transmission times based on AAL2 negotiation procedures and based on QoS requirements that keep ATM cell spacing as constant as possible. Subbiah discloses in column 6, lines 24-36 of using AAL2 network to target towards voice and telephony over ATM, where voice packets from different users can be multiplexed on a single ATM connections. Subbiah further discloses in figures 1 and 2 and

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columns 7-9, claims 1-11 and respective portions of the specification of receiving a plurality of call requests for transferring a plurality of packets (each request having QoS requirements) and then following a successful negotiating of the cell rate, then a packet is placed in the queue with the same QoS, if a QoS of a packet is stringent, the packet sent to the ATM cell is multiplexed with other packets and transmitted to the remote peer entity via an ATM connection. If not, the packet is placed and multiplexed in the ATM cell for a specified time period defined by the QoS. Cell spacing of transmission is accomplished by means of QoS requirements. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Petersen to include the teachings of Subbiah in order to control delay and improve efficiently and bandwidth usage for the ATM cell transmissions.

Referring to claims 8-10, 20 and 21, Petersen teaches in figures 1 and 2 of multiplexing being carried out at ATM adaptation Layer level. Petersen also discloses in column 5, lines 15 to column 6, lines 50 that low bit rate connections are assigning different priorities. Petersen further discloses in column 3-6 of multiplexing (inter-priority) of a plurality of low bit rate connections into a same ATM connection by simultaneously multiplexes more than one user data packet on a single minicell connection as a function of transmission priority by employing a predefined transmission priority assignment schedule and by providing a modified user data packet segmentation process). Petersen fails to disclose that the multiplexing step includes an intra-priority multiplexing for multiplexing low bit rate connections of the same priority. Subbiah discloses in claims 1 and 12 and respective portions of the specification of multiplexer that combines/multiplexes (intra-priority) one or more packets within each of the queues having same QoS requirements into cells having like QoS requirement. Subbiah further discloses in

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claims 2 and 13 that intra-priority multiplexing is supported by using AAL2 (ATM Adaptive Layer 2). Subbiah further discloses in column 4 that plurality of queues having different QoS requirements are provided in a ATM service module at the local peer entity and that the queues with the different QoS requirement are multiplexed in a ATM cell and transmitted via a ATM connection to the remote peer, implying that inter-priority multiplexing takes place at the ATM layer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Petersen to include the teachings of Subbiah in order to efficiently transfer packets from the local entity to the remote entity based on different QoS requirements.

Claims 2-6 and 15-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen (U.S. Patent No. 5,802,051) in view of Subbiah as applied to claims 1, 8-11, 14, and 20-24 above, and further in view of Depelteau (U.S. Patent No. 6,404,767).

Referring to claim 2, 6, and 18, Petersen in view of Subbiah teaches of scheduling ATM cell transmission times in a way as to keep ATM cell spacing constant and multiplexing a plurality of low bit rate connection into a same ATM connection in generating ATM cells for low bit rate applications. Petersen in view Subbiah also teach of performing transfer negotiations for the corresponding ATM connection. However, Petersen in view of Subbiah fail to disclose that ATM cell spacing is kept as close as possible to a cell rate negotiated renegotiated for the corresponding ATM connection. Depelteau teaches of systems and methods for implementing ABR flow control in ATM switches. Depelteu discloses in column 2, that each cell contains an explicit rate parameter which may be adjusted as the cells pass through the ATM switches in the path in either the forward or backward direction and that explicit rate contained in the cells when it returns to the source is the maximum rate at which the source can send cells and

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it may be reduced as low as the minimum cell rate guaranteed to the source during connection establishment. Thus, a cell rate is negotiated and renegotiated. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petersen in view of Subbiah's invention to include what Depelteau teaches in order for cell rate to have the ability to renegotiate allowing sufficient rates to establish a connection.

Referring to claims 3-5 and 15-17, Peterson in view of Subbiah teaches of scheduling ATM cell transmission times in a way as to keep ATM cell spacing constant and multiplexing a plurality of low bit rate connection into a same ATM connection in generating ATM cells for low bit rate applications. Petersen in view of Subbiah fails to teach that the cell rate is a service category type of PCR, CBR or DBR and BCR and ABR type. Depelteau discloses in columns 6-8 that cells are generated on a per ABR connection basis and that each port has a fixed output capacity. At any instant in time, portions of this capacity must be allocated to various traffic classes including VBR, CBR and ABR. Each virtual connection of any type including ABR is always guaranteed. For each port, high priority traffic such as VBR and CBR is serviced first. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Petersen in view of Subbiah's invention to include the teaching of including the capacity to allocate service type for various traffic scenarios as taught by Depelteau to provide a better more effective utilization of bandwidth.

3. Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen in view of Subbiah as applied to claims 1, 8-11, 14, and 20-24 above, and further in view of Harth (U.S. Patent No. 6,331,981).

Referring to claims 12 and 13, Petersen in view of Subbiah fails to explicitly teach of an application such that a base station for a mobile radio communication network comprising a device for multiplexing low bit rate traffic from a plurality of sources into a same ATM connection for transmission to a base station controller and base station respectively. Harth teaches of a method and network component for switching low bit rate connections between input modules and output modules in a communication network. Harth discloses in figure 1 and respective portions of the specification that network components such as base station controller or a radio network controller as part of the GSM mobile radio network along with ATM switching state are connected via multiplexer AMX and are able to do multiplexing of low bit rate traffic for transmission to a base station controller. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petersen in view of Subbiah's invention to include network components such as base station controller as taught by Harth to allow economical use of the ATM bandwidth to simultaneously support TDM traffic with a low bit rate.

4. Claims 7 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen in view of Subbiah as applied to claims 1, 8-11, 14, and 20-24 above, and further in view of Gritton (U.S. Patent No. 5,940,397).

Referring to claims 7 and 19, Petersen in view of Subbiah fail to explicitly teach that when no ATM cell is sent when there is no data available from any low bit connections, and method includes a further step of referencing scheduling step with respect to the next availability of data from at least one of low bit application. Gritton teaches of a method and an apparatus for scheduling and transmitting ATM data cells. Gritton discloses in claim 1, figures 2, 3, 5b, 5c and

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respective portions of the specification of scheduling ATM cell transmission times in a way as to keep ATM cell spacing as constant as possible. This is accomplished via communication between the segmenter and scheduler, indicating that the VC has cells stored within memory and may be transmitted. Scheduler, then determines the most appropriate time to transmit a cell making sure to keep cell spacing as constant as possible in order to avoid any traffic congestion or bottlenecking. Gritton further teaches in columns 4 and 5 that scheduling methods effectively multiplex cells from a plurality of VCs, and allow each VC to have a unique transmission rate that can be dynamically adjusted and can support a plurality of transmission priority levels. Thus, multiplexing a plurality of connections into a same ATM connection having the scheduled ATM cell transmission times takes place Schedule. Gritton also discloses in column 11 that if no ATM cell is sent when there is no data available for any of the connection, a method further includes referencing and scheduling with respect to the next availability of data from at least one of the connections. Therefore, it would have been obvious to modify the teachings of Petersen in view of Subbiah to include the teachings of Gritton in order to reduce delay and increase throughput and efficiency.

### ***Response to Arguments***

5. Applicant's arguments filed 10/17/03 have been fully considered but they are not persuasive.
6. Referring to claims 1, 11, 14, 22, 23, and 24, Applicant argues that Subbiah simply teaches a method of scheduling transmission times of ATM cells which is similar to the conventional method as discussed. Examiner, however argues that the novel features upon

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which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Prior Art as presented by the Examiner reads on the claims as presented. Applicant argues that Subbiah does not teach or suggest scheduling ATM cell transmission time in a way as to keep ATM cell spacing as constant as possible. Examiner respectfully disagrees and redirects Applicant's attention Subbiah's invention particularly to column 7, lines 45-67, where the multilevel QoS service module 100 services the packets by placing the packets into different queues based on the QoS. Furthermore, the multilevel QoS service module can be used in classifying CBR/VBR services over ATM. Thus, if a user requests a CBR service, then voice packets belonging to that particular user can be placed in a single ATM cell payload and sent immediately to avoid any delay. Furthermore, as discloses in claim 1, the method of Subbiah's invention has a plurality of queues with different QoS requirements and upon receiving a plurality of call requests from users for transferring the plurality of packets, placing each packet successfully into one of the queues with same QoS and multiplexing one or more packets according to the corresponding QoS and finally transferring the packets via the cells to the remote peer entity in a way as to keep ATM cell spacing as constant as possible. Scheduling ATM cell transmission time in a way as to keep ATM cell spacing as constant as possible is accomplished based on having plurality of Queues having different QoS requirement with each respective queue having same QoS. This avoids inconsistent delays and provides service quality guarantees based on a customer request in a way as to keep ATM cell spacing as constant as possible. Therefore, Examiner respectfully

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submits that the combination of Petersen and Subbiah does teach the limitation as set forth in the claims.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 305-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE)

**Or:**

(703) 305-5403 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs

  
Ad Patel  
Primary Examiner